

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MARCO A. SANCHEZ-DIAZ,

Plaintiff,

v.

SECC DEPARTMENT OF CORRECTIONS,

Defendants.

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No. 1:23-cv-00119-JMB

**MEMORANDUM AND ORDER**

This closed civil rights action is before the Court on a undated letter written by plaintiff to the Court, received December 26, 2023. The Court will construe the letter as a motion to reopen the case, which was dismissed without prejudice on December 11, 2023.

On December 22, 2023, plaintiff filed a Notice of Appeal of this Court's dismissal of his complaint, appealing the ruling to the Eighth Circuit Court of Appeals. Generally, "[t]he filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Liddell v. Bd. of Educ. of St. Louis*, 73 F.3d 819, 822 (8th Cir. 1996) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). Because plaintiff has filed a Notice of Appeal, the Court does not have jurisdiction to rule on his motion to reopen the case. Because the Court lacks jurisdiction to consider plaintiff's motion, it will be denied without prejudice for lack of jurisdiction.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's letter to the Court, received December 26, 2023, construed as a motion to reopen the case is **DENIED without prejudice**. [ECF No. 18]

**IT IS FURTHER ORDERED** that plaintiff shall make any future filings in this case with the Eighth Circuit Court of Appeals.

Dated this 27th day of December, 2023.

/s/ John M. Bodenhausen  
JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE